

## AMITY; CANAL RIGHTS

*Treaty signed at Bogotá April 6, 1914; protocol of exchange signed at Bogotá March 1, 1922*

*Senate advice and consent to ratification, with reservations, April 20, 1921*<sup>1</sup>

*Ratified by the President of the United States, with reservations, January 11, 1922*<sup>1</sup>

*Ratified by Colombia March 1, 1922*

*Ratifications exchanged at Bogotá March 1, 1922*

*Entered into force March 1, 1922*

*Proclaimed by the President of the United States March 30, 1922*

42 Stat. 2122; Treaty Series 661

### TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COLOMBIA FOR THE SETTLEMENT OF THEIR DIFFERENCES ARISING OUT OF THE EVENTS WHICH TOOK PLACE ON THE ISTHMUS OF PANAMA IN NOVEMBER 1903

The United States of America and the Republic of Colombia, being desirous to remove all the misunderstandings growing out of the political events in Panama in November 1903; to restore the cordial friendship that formerly characterized the relations between the two countries, and also to define and regulate their rights and interests in respect of the interoceanic canal which the Government of the United States has constructed across the Isthmus of Panama, have resolved for this purpose to conclude a Treaty and have accordingly appointed as their Plenipotentiaries:

His Excellency the President of the United States of America, Thaddeus Austin Thomson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Government of the Republic of Colombia; and

His Excellency the President of the Republic of Colombia, Francisco José Urrutia, Minister for Foreign Affairs; Marco Fidel Suárez, First Designate to exercise the Executive Power; Nicolás Esguerra, Ex-Minister of State; José María González Valencia, Senator; Rafael Uribe Uribe, Senator; and Antonio José Uribe, President of the House of Representatives;

<sup>1</sup> For text of U.S. reservations, see protocol of exchange, *post*, p. 903.

Who, after communicating to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following:

#### ARTICLE I

The Republic of Colombia shall enjoy the following rights in respect to the interoceanic Canal and the Panama Railway, the title to which is now vested entirely and absolutely in the United States of America, without any incumbrances or indemnities whatever.

1.—The Republic of Colombia shall be at liberty at all times to transport through the interoceanic Canal its troops, materials of war and ships of war, without paying any charges to the United States.<sup>2</sup>

2.—The products of the soil and industry of Colombia passing through the Canal, as well as the Colombian mails, shall be exempt from any charge or duty other than those to which the products and mails of the United States may be subject. The products of the soil and industry of Colombia, such as cattle, salt and provisions, shall be admitted to entry in the Canal Zone, and likewise in the islands and mainland occupied or which may be occupied by the United States as auxiliary and accessory thereto, without paying other duties or charges than those payable by similar products of the United States.

3.—Colombian citizens crossing the Canal Zone shall, upon production of proper proof of their nationality, be exempt from every toll, tax or duty to which citizens of the United States are not subject.

4.—Whenever traffic by the Canal is interrupted or whenever it shall be necessary for any other reason to use the railway, the troops, materials of war, products and mails of the Republic of Colombia, as above mentioned, shall, be transported on the Railway between Ancon and Cristobal or on any other Railway substituted therefor, paying only the same charges and duties as are imposed upon the troops, materials of war, products and mails of the United States. The officers, agents and employees of the Government of Colombia shall, upon production of proper proof of their official character or their employment, also be entitled to passage on the said Railway on the same terms as officers, agents and employees of the Government of the United States.

5.—Coal, petroleum and sea salt, being the products of Colombia, for Colombian consumption passing from the Atlantic coast of Colombia to any Colombian port on the Pacific coast, and vice-versa, shall, whenever traffic by the canal is interrupted, be transported over the aforesaid Railway free of any charge except the actual cost of handling and transportation, which shall not in any case exceed one half of the ordinary freight charges levied upon similar products of the United States passing over the Railway and in transit from one port to another of the United States.

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<sup>2</sup> For a reservation to art. I, para. 1, see protocol of exchange, p. 903.

## ARTICLE II

The Government of the United States of America agrees to pay at the City of Washington to the Republic of Colombia the sum of twenty-five million dollars, gold, United States money, as follows: The sum of five million dollars shall be paid within six months after the exchange of ratifications of the present treaty, and reckoning from the date of that payment, the remaining twenty million dollars shall be paid in four annual installments of five million dollars each.

## ARTICLE III

The Republic of Colombia recognizes Panama as an independent nation and taking as a basis the Colombian Law of June 9, 1855, agrees that the boundary shall be the following: From Cape Tiburón to the headwaters of the Rio de la Miel and following the mountain chain by the ridge of Gandi to the Sierra de Chugargun and that of Mali going down by the ridges of Nigue to the heights of Aspave and from thence to a point on the Pacific half way between Cocalito and La Ardita.

In consideration of this recognition, the Government of the United States will, immediately after the exchange of the ratifications of the present Treaty, take the necessary steps in order to obtain from the Government of Panama the despatch of a duly accredited agent to negotiate and conclude with the Government of Colombia a Treaty of Peace and Friendship, with a view to bring about both the establishment of regular diplomatic relations between Colombia and Panama and the adjustment of all questions of pecuniary liability as between the two countries, in accordance with recognized principles of law and precedents.

## ARTICLE IV

The present Treaty shall be approved and ratified by the High Contracting Parties in conformity with their respective laws, and the ratifications thereof shall be exchanged in the city of Bogotá, as soon as may be possible.

In faith whereof, the said Plenipotentiaries have signed the present Treaty in duplicate and have hereunto affixed their respective seals.

Done at the city of Bogotá, the sixth day of April in the year of our Lord nineteen hundred and fourteen.

THADDEUS AUSTIN THOMSON	[SEAL]
FRANCISCO JOSÉ URRUTIA	[SEAL]
MARCO FIDEL SUÁREZ	[SEAL]
NICHOLAS ESGUERRA	[SEAL]
JOSÉ M. GONZÁLEZ VALENCIA	[SEAL]
RAFAEL URIBE URIBE	[SEAL]
ANTONIO JOSÉ URIBE	[SEAL]

## PROTOCOL OF EXCHANGE

The undersigned Plenipotentiaries having met for the purpose of exchanging the ratifications of the Treaty signed at Bogota, on April 6, 1914, between the United States of America and Colombia, providing for the settlement of differences arising out of the events which took place on the Isthmus of Panama in November, 1903, and the ratifications of the Treaty aforesaid having been carefully compared and found exactly conformable to each other, the exchange took place this day in the usual form.

With reference to this exchange the following statement is incorporated in the present Protocol in accordance with instructions received:

1. In conformity with the final Resolution of the Senate of the United States in giving its consent to the ratification of the Treaty in question, the stipulation contained in the first clause of Article one by which there is ceded to the Republic of Colombia free passage of its troops, materials of war and ships of war through the Panama Canal, shall not be applicable in case of a state of war between the Republic of Colombia and any other country.

2. The said final Resolution of the Senate of the United States signifies, as the Secretary of State in effect stated in the note which he addressed to the Colombian Legation in Washington on the 3rd day of October, 1921, that the Republic of Colombia will not have the right of passage, free of tolls, for its troops, materials of war and ships of war, in case of war between Colombia and some other country, and consequently, the Republic of Colombia will be placed, when at war with another country, on the same footing as any other nation under similar conditions, as provided in the Hay-Pauncefote Treaty concluded in 1901;<sup>3</sup> and that, therefore, the Republic of Colombia will not by operation of the declaration of the Senate of the United States above mentioned, be placed under any disadvantage as compared with the other belligerent or belligerents, in the Panama Canal, in case of war between Colombia and some other nation or nations. With this understanding the said Resolution has been accepted by the Colombian Congress in accordance with the dispositions contained in Article two of Law fifty-six of 1921, "by which is modified Law number fourteen of 1914" approving the Treaty.

IN WITNESS WHEREOF, they have signed the present Protocol of Exchange and have affixed their seals thereto.

Done at Bogota, this first day of March, one thousand nine hundred and twenty-two.

HOFFMAN PHILIP [SEAL]

ANTONIO JOSÉ URIBE [SEAL]

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<sup>3</sup> TS 401, post, UNITED KINGDOM.